

ORDINANCE NO. _____(N.S.)

**AN ORDINANCE AMENDING SECTION 363 OF ARTICLE XX OF THE SAN
DIEGO COUNTY ADMINISTRATIVE CODE, RELATING TO FILING FEES
TO SEAL OR EXPUNGE A RECORD**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that:

(a) Effective July 10, 2023, California Senate Bill (AB) 134 eliminated a range of fees that agencies and courts are authorized to impose.

(b) The amendments made by this ordinance are intended to reflect those changes in fees established by AB 134 as well as make other conforming and technical changes.

Section 2. Section 363 of Article XX of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 363. PROBATION DEPARTMENT.

The following fees and charges shall be paid to the San Diego County Probation Department or the County collection agent.

~~(a) A fee for the cost of services rendered for processing of adult petitions for change of plea or setting aside of a verdict shall be the actual cost of services rendered, not to exceed \$150 per case pursuant to Penal Code Sections 1203.4(d). This fee shall be applied to a person whether or not the petition is granted and the records are sealed or expunged. Ability to make this reimbursement shall be determined by the court.~~

~~(b) A person who is 26 years of age or older and petitions for an order sealing a record under Penal Code section 1203.45, related to a misdemeanor committed while under the age of eighteen (18) years, may be required to reimburse the county for the actual cost of services~~

ATTACHMENT A
INFORMATIONAL COPY

~~rendered, not to exceed \$150. This fee shall be applied to a person whether or not the petition is granted and the records are sealed or expunged. Ability to make this reimbursement shall be determined by the court.~~

(ae) An adult probationer who damages or discards his or her electronic monitoring device may be charged up to \$600 for equipment replacement costs.

(bd) Pursuant to Penal Code section 1210.1(a), in addition to any fine assessed under other provisions of law, the trial judge may require an adult convicted of a nonviolent drug possession offense who is reasonably able to do so to contribute to the cost of his or her own placement in a drug treatment program of up to \$79 per month.

(ce) A fee of up to \$250 each year for administering the approval and annual renewal process of the Batterers Diversion Programs as required by Penal Code Section 1203.097(c)(5)(B).

Section 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members of this Board voting for and against it in The Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
CLAUDIA G. SILVA, COUNTY COUNSEL

BY: Monica Hall, Senior Deputy County Counsel